

## **Remarks**

Claims 1, 3-5, 8-13, 15-17, and 20-29 are pending in this application. Claims 1, 9, 13, 21 and 29 are independent claims.

The present response follows the Examiner's denial of an Examiner interview request on May 4, 2010.

In the Final Office Action, claim 1 was rejected under 35 USC 102(b) as being anticipated by US 6,167,441 ("Himmel"). In the response dated March 8, 2010, the Applicant submitted that Himmel could not anticipate the claim because Himmel failed to disclose the recitation "wherein said operational status of the wireless communication device comprises: an indication of N messages most frequently received at said device, where N is an integer; a name of a user interface screen currently displayed at said device; a network identifier identifying a wireless network over which said device is communicating; or an indication of available memory at said wireless communication device."

The Examiner did not accept the above submission. In the Advisory Action mailed on April 13, 2010, the Examiner stated, at paragraph 2 (continuation sheet), that Himmel "clearly teaches at least an indication of a name of a user interface screen currently displayed at the device." As support for that assertion, the Examiner suggested that Himmel col. 5 lines 52-62, col. 7 lines 23-26, and claim 1 disclose that "the client-smart agent reads from the HTTP header information the client browser type and operating system in use, for example, the client-smart agent can easily discover that a client request originates at Netscape Navigator browser for Windows 95."

The Applicant traverses the above suggestion. The identified portions of Himmel merely disclose that an HTTP header may indicate a browser type. An indicator of a browser type says nothing about the name of the user interface screen currently displayed at the device. It merely indicates a type of browser that may have been involved in generating the HTTP request. There is no evidence that the browser type indicated in the HTTP header would be any different if a UI screen named, say, "ACME

Products” were currently displayed, versus if a UI screen having a different name, say “My Home Page,” were displayed. In any event, an HTTP request generally represents a desired web page, not something that is currently displayed. Accordingly, Himmel does not disclose “wherein said operational status of the wireless communication device comprises: ... a name of a user interface screen currently displayed at said device,” as suggested. Thus, disclosure of the recitation at issue has not been established. As a result, anticipation of claim 1 has not been shown. The same is true for each of the other independent claims 9, 13, 21 and 29, as well as for the dependent claims, by logical implication.

In the Final Office Action, claims 3, 15 and 25-28 were rejected under 35 USC 103(a) as being unpatentable over Himmel in view of US 2006/0195912 to Dew et al. (“Dew”). In the response dated March 8, 2010, the Applicant submitted that the rejection of these claims was unsupported for two reasons. The first reason was that, by virtue of direct or indirect dependency upon one of claims 1, 9, 13 and 21, the claims in question incorporated the recitation identified above as omitted from Himmel, of which no disclosure in Dew was established. The second reason was that the limitation purportedly disclosed in Dew was actually not disclosed in that reference.

The Examiner did not accept the above submission. In the Advisory Action mailed on April 13, 2010, the Examiner stated, at paragraph 4 (continuation sheet), that Dew paragraph 0035 teaches “a number of previously received e-mail messages are examined, wherein the number of e-mails examined may be a fixed number or may include all e-mails received after a given date.”

The Applicant traverses the above statement. Even with a broad interpretation, the quoted language of Dew simply does not disclose the relevant limitation, i.e. “wherein said operational status of the wireless communication device comprises: ... an indication of N messages most frequently received at said device.” The reason is that nothing in Dew 0035 suggests that the examining is done with a view to identifying messages most frequently received at the device, or that an operational status indicative of the N most frequently received messages will result. Indeed, the

subsequent paragraph 0036 of Dew suggests that the “examining” referred to in paragraph 0035 is for a different purpose, i.e. compiling information regarding the email addresses or domain names from which received email messages most frequently originate. As noted in the Applicant's amendment dated March 8, 2010, page 3, that is not the same as identifying the N messages that are most frequently received because, even if a particular email address or domain name is a frequent source for email, the messages could all be different (e.g. some may be status updates, others may be requests for information, still others may be personal greetings, etc.). Thus the relevant limitation is simply not shown. As a result, claims 3, 15 and 25-28 under 35 USC 103(a) are not *prima facie* obvious.

New independent claim 29 has been added by way of the present response. Claim 29 is similar to claim 21 except that the operational status of the wireless communication device comprises a name of a currently open user interface screen. This claim is supported in the originally filed application, e.g. at paragraphs 0109 and 0112 (i.e. 0149 and 0172 as published). Claim 29 is believed to be patentable for similar reasons as claim 4.

Claims 11, 12, 23 and 24 were rejected under 35 USC 103(a) as being unpatentable over Himmel in view of Tim Bray et al. (“Bray”). The Applicant traverses these rejections on the grounds that no *prima facie* case of obviousness has been established in respect of any of these claims. The reason is that, by virtue of dependency upon either claim 9 or 21, the claims in question all lack the recitation identified above as omitted from Himmel. There is no evidence that that the omitted recitation can be found in Bray.

Given that the independent claims distinguish over the cited art, the remaining claims, which depend from the independent claims, also distinguish over the art of record.

In view of the foregoing, favorable reconsideration and allowance of the application are earnestly solicited.

Respectfully submitted,



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